IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16846 of 2004

Between:

Dr.P.Sakharam, S/o.Gangaram,
Dr.BRKR Govt. Ayurvedic College,

Erragadda, Hyderabad.

..... PETITIONER

AND

1 The Govt. of A.P., rep.by its Prl.Secretary,

Indian Medicine & Homeopathy Department,

Secretariat Buildings, Hyderabad.
2 The Commissioner of Indian Medicine & Homoeopathy Dept.,

A.P., Hyderabad.
3 The REgional Deputy Director, Indian Medicine &

Homeopathy Dept., A.P.Hyderabad.
4 The Principal, Dr. BRKR Govt.Ayurvedic Medical College,

Erragadda, Hyderabad.
5 Dr.B.Anurudha, Former Medical officer, Govt. Ayurvedic

Dispensary, Charakonda, Mahaboobnagar,

now working at DR. BRKR Govt. Ayurvedic Medical

College, Erragadda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or direction of writ, particularly one in the nature of writ of certiorari to call for the records in VMA.No.512 of 2002 in O.a.No.4333 of 2004 dated 31-8-2004 from the file of the learned Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same as contrary to the governmental orders issued from time to time, bad, illegal, arbitrary and unjust.

Counsel for the Petitioner: MR.C.DAMODHAR REDDY

Counsel for the Respondent No.: GP FOR SERVICES-I

The Court at the stage of admission made the following

ORDER **(per the Hon'ble Sri Justice Goda Raghuram)**:

The applicant in O.A.No.4333 of 2004 has filed this writ petition aggrieved by the order of the Andhra Pradesh Administrative Tribunal (for short 'Tribunal') dated 31-08-2004, vacating the interim orders earlier granted on an application filed by the 5th respondent herein in V.M.A.No.512 of 2004.

The O.A. was filed challenging the proceedings dated 19-07-2004, issued by the second respondent herein, whereby the applicant-writ petitioner was transferred from Dr.B.R.K.R. Government Ayurvedic College, Hyderabad, and posted to Government Ayurvedic Dispensary, Charakonda, Mahaboobnagar District. The applicant, who was working as a Lecturer in the same college, was under G.O.Rt.No.523, Health, Medical and Family Welfare (I.2) Department, dated 25-06-2003 deputed to study in a post graduate course of Ayurveda during the academic years 2002-2005. While he was pursuing the post graduate course, the order dated 19-07-2004 transferring him to Government Ayurvedic Dispensary, Charakonda, Mahaboobnagar, was issued. Initially, an interim order was granted interdicting the transfer, but it was thereafter vacated allowing the application of the 5th respondent herein, who was the officer posted to the Dr.B.R.K.R. Government Ayurvedic College, in lieu of the transfer of the applicant.

The counter affidavit has been filed in the O.A. on behalf of the official respondents. It is categorically asserted as under:

> "It is further submitted that the petitioner has to stay at Hyderabad to prosecute P.G.Course at Dr.B.R.K.R. Government Ayurvedic College, Erragadda, Hyderabad,

since Government have issued deputation orders in G.O.Rt.No.523 HM&FW(12) Deptt., dated 25/6/2003. Even his transfer is effected as per G.O.Ms.No.512 Fin (W&M) Deptt., dated 14/6/04 and G.O.Ms.No.214 HM&FW (I.2) Deptt., dated 19/7/2004 the petitioner has to stay at Hyderabad to study P.G. Course at Dr.B.R.K.R. Government Ayurvedic College, Erragadda, Hyderabad. It is submitted in view of the present transfer his study of P.G. course will not effect since he is not required to go and work the place where he was posted by way of impugned order. If the applicant makes the request for arranging the salary the drawing officer will make the salary payment by way of D.D. to the given address by the applicant during his P.G. studies."

In view of this assertion by the official respondents, no current prejudice is suffered by the petitioner warranting any interim relief in his favour and this is what in substance the Tribunal has observed while vacating the interim order.

We find no error in exercise of the discretion by the Tribunal, warranting interference in the writ petition.

The writ petition is accordingly dismissed at the stage of admission. All the contentions canvassed by the petitioner in the O.A. against his transfer will fall to be considered at the final hearing of the O.A. There shall be no order as to costs.

_____

J. CHELAMESWAR, J

_____

GODA RAGHURAM, J

7th October, 2004

Isn/Pvks

To

1 The Principal Secretary, Govt. of A.P.,

Indian Medicine & Homeopathy Department,

Secretariat Buildings, Hyderabad.

2 The Commissioner of Indian Medicine & Homoeopathy Dept.,

A.P., Hyderabad.

3 The Regional Deputy Director, Indian Medicine &

Homeopathy Dept., A.P.Hyderabad.

4 The Principal, Dr. BRKR Govt.Ayurvedic Medical College,

Erragadda, Hyderabad.

5 Dr.B.Anurudha, Former Medical officer, Govt. Ayurvedic

Dispensary, Charakonda, Mahaboobnagar,

now working at DR. BRKR Govt. Ayurvedic Medical

College, Erragadda, Hyderabad.

6. Two CCs to G.P. for Services-I, High Court Buildings, Hyderabad (OUT).

7. Two CD copies